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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/385,938 | 08/30/1999 | ANDREW G. BEVAN | 476-1843 | 9822 |

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09/09/2002

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EXAMINER

KUPSTAS, TOD A

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/385,938

Applicant(s)

BEVAN ET AL.

Examiner

Tod Kupstas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-6 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf (US 6,081,550).

As set forth in claim 1, Wolf discloses in a communications network (could either be a SDH network or a SONET) comprising a plurality of network elements (Fig. 1a-1d (NE1-NE8)), a method of providing management data describing synchronization trail information for said network elements, said method comprising the steps of: obtaining network element

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synchronization data; obtaining network element connectivity data; deriving synchronization trail information for said network elements from said synchronization data and said connectivity data; see col. 3, line 12-col. 5, line 4 (Wolf uses the synchronization information to track and manage the connections between the Network Elements).

As set forth in claim 2, Wolf discloses a data representation of a physical resource operating in accordance with a protocol having a plurality of layers (a timing layer is present due to the existence of synchronization information, also Wolf operates in a SDH system which implies a timing layer).

As set forth in claim 3, Wolf discloses in a communications network (could either be a SDH network or a SONET) comprising a plurality of network elements (Fig. 1a-1d (NE1-NE8)), said network elements comprising a plurality of physical resources organized into a plurality of types of pre-configured structures (see figs. 1a-1d), a method of providing management data describing synchronization trail information of said network elements, comprising the steps of: representing said plurality of physical resources by a plurality of reference data; and representing synchronization trails within said network by a plurality of synchronization reference data; see col. 3, line 12-col. 5, line 4 (Wolf uses the synchronization information to track and manage the connections between the Network Elements).

As set forth in claim 4, Wolf discloses a management system of managing synchronization for a network (could either be a SDH network or a SONET) comprising a plurality of physical resources (Fig. 1a-1d (NE1-NE8)), said system comprising: data storage means for storing;

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reference data representing connectivity between said resources; and synchronization reference data representing synchronization trails to each resource; see col. 3, line 12-col. 5, line 4 (Wolf uses the synchronization information to track and manage the connections between the Network Elements).

As set forth in claim 5, Wolf discloses a method of exploring synchronization trails within a network (could either be a SDH network or a SONET) comprising a plurality of network elements (Fig. 1a-1d (NE1-NE8)), the method comprising the steps of: obtaining network element synchronization data; obtaining network element connectivity data; deriving synchronization trail information from a network element and following the trail to the synchronization source of the element, using said synchronization data and said connectivity data; see col. 3, line 12-col. 5, line 4 (Wolf uses the synchronization information to track and manage the connections between the Network Elements) also col. 5, line 5-col.7, line 30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (US 6,081,550) in view of French et al (US 6,330,601).

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As set forth in claim 6, Wolf disclose a method of relating to synchronization trails within a network (could either be a SDH network or a SONET) comprising a plurality of network elements (Fig. 1a-1d (NE1-NE8)), said method comprising: obtaining network element synchronization data; obtaining network element connectivity data; deriving synchronization trail information for said network elements from said synchronization data and said connectivity data; for each synchronization trail; see col. 3, line 12-col. 5, line 4 (Wolf uses the synchronization information to track and manage the connections between the Network Elements). Wolf does not disclose representing the information from the test in graphical form. French discloses providing a GUI for representing the network information. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the means for graphical representation of the network information to the system of Wolf as taught by French. The rationale is as follows: It would have been useful to display information representing the network in graphical form. As French teaches the desirability of displaying the network information in graphical form for management purposes, one of ordinary skill would have been motivated by French's teaching to have provided the system of Wolf with the means for displaying the network information in graphical form thereby having provided simple means for interacting with and managing the network.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson (US 6,324,586) discloses a system for synchronizing multiple computers with a common timing reference.

Heuer (US 6,205,121) discloses a method of establishing logical connections in a synchronous digital communications network, as well as network elements and management system.

Kapanen (US 6,134,234) discloses a master-slave synchronization.

Commerford, Jr. et al. (US 5,983,226) discloses a system for real-time device data management.

Fujino et al. (US 5,651,006) discloses a hierarchical network management system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this

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application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas


September 4, 2002